

## RESOLUTION NO. A-\_\_\_\_\_

1 WHEREAS, Pinnacle Bank has submitted an application for a permit to use the  
2 public right-of-way at 6145 Havelock Avenue, for installation of a new facade for the east wall of the  
3 bank and the construction of a tower; and

4 WHEREAS, said applicant has submitted a letter of application and a site plan which  
5 are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made a part of this  
6 resolution by reference, to use the public right-of-way as above described; and

7 WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54  
8 of the Lincoln Municipal Code pertaining to such use.

9 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,  
10 Nebraska:

11 That the application aforesaid of Pinnacle Bank to use the public right-of-way at 6145  
12 Havelock Avenue for installation of a new facade for the east wall of the bank and the construction  
13 of a tower, be granted as a privilege only by virtue of and subject to strict compliance with the site  
14 plan, the letter of application, and the following terms and conditions, to wit:

15 1. That the permission herein granted is granted as a privilege only, and is  
16 subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including  
17 those provisions relating to the posting of a continuing bond in the amount of \$5,000, the filing of  
18 a certificate of insurance with a minimum combined single limit of \$500,000.00 aggregate for any  
19 one occurrence, and the payment of the annual fee for the use of the surface of the public right-of-  
20 way fixed at ten percent of the square foot value of the lot directly abutting such use multiplied by  
21 the square footage of the use of the space.

22 2. That said use shall be in full accordance with the aforesaid application, the  
23 site plan filed therewith, and with all applicable City ordinances and regulations.

1                   3.       The applicant, its heirs, successors or assigns shall save and keep the City  
2 free and harmless from any and all loss or damages or claims for damages arising from or out of  
3 the use of the public way requested herein.

4                   4.       That all work done under the authority of this resolution shall be subject to  
5 the inspection and approval of the Director of Public Works of the City of Lincoln.

6                   5.       The applicant's contractor must contact Diggers Hotline of Nebraska for utility  
7 locates prior to commencing construction activities.

8                   6.       The applicant must secure any required permits for construction or working  
9 in the public right-of-way.

10                  7.       The use of the public way herein granted and the terms and conditions of this  
11 resolution shall be binding and obligatory upon the above-named applicant, its successors and  
12 assigns.

13                  8.       That within thirty (30) days from the adoption of this resolution, and before  
14 commencing any construction under the provisions hereof, the above-named applicant shall file an  
15 unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk.  
16 Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder  
17 granted shall thereupon automatically terminate.

Introduced by:

\_\_\_\_\_

Approved as to Form and Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2006:

\_\_\_\_\_  
Mayor